

U.S. Department of Justice

United States Attorney
Southern District of New York

USDC SDNY

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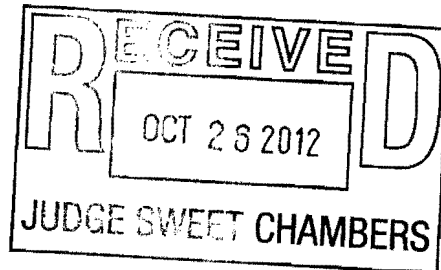
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DATE FILED: 11/5/12

86 Chambers Street
New York, New York 10007

October 26, 2012

By FacsimileHon. Robert W. Sweet
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007Re: *Rubin et. al. v. Hamas-Islamic Resistance Movement v. JP
Morgan Chase, et al.*, 11 Civ. 8716 (RWS) (formerly 11-MC-
0039 (RWS))

Dear Judge Sweet:

I write respectfully on behalf of the United States (the "Government") with respect to *Rubin et al. v. Hamas*, 11 Civ. 8716 (RWS) which was formerly docketed as 11-MC-0039. (hereinafter "the *Rubin* matter"). By order dated November 17, 2011, the Court granted a request to stay this matter pending resolution of a related matter currently on appeal in the Court of Appeals for the Fifth Circuit. On a phone conference in May 2012 between Chambers and counsel for the parties, Chambers advised the parties to send a letter requesting a control date for a conference in six months' time, at which time the Government would update the Court on the status of the Fifth Circuit appeal. The Government's May 30 letter requesting a control date for a conference, and its November 17, 2011 letter requesting a stay, both of which were so ordered by the Court, are attached for the Court's convenience.

Approximately six months have passed since the Government's May 2012 letter, and accordingly, the Government submits this letter to update the Court on the status of the Fifth Circuit matter, *United States v. Holy Land Foundation for Relief and Development, et al.*, Dkt No. 11-10535 (5th Cir.). The status of the appeal is that all briefing has been completed. Oral argument is currently scheduled for November 7th.

I note that the Court has scheduled a conference in this matter for October 31. In light of the status of the Fifth Circuit appeal, the Government respectfully submits that the October 31 conference be adjourned and that a new control date be scheduled in six months' time. Further, the Government proposes that it update the Court concerning the status of the Fifth Circuit

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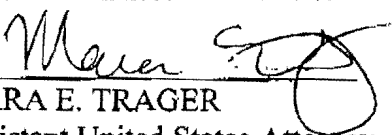
appeal six months from now, or promptly after the Fifth Circuit issues its decision, whichever is earlier.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney for the
Southern District of New York

By:


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Encl.

cc (via email): Counsel for the Banks
Robert Tolchin, Esq. (counsel for petitioners)